



Case No. ELITRA.009A
Date: November 12, 2004

ITW AF
1634

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of : Forsyth et al.
App. No. : 09/741,669
For : GENES IDENTIFIED AS
REQUIRED FOR
PROLIFERATION OF E. COLI
Filed : December 19, 2000
Examiner : Frank Lu
Group Art Unit : 1634

**Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450**


Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated May 18, 2004 of the Primary Examiner finally rejecting Claims 45-56, 133 and 134. The item(s) marked below are appropriate:

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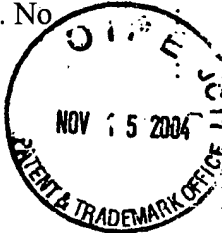
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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RESPONSE AFTER FINAL OFFICE ACTION**Mail Stop AF**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action mailed May 18, 2004, in connection with the above referenced patent application. Applicants would like to thank that Examiner for the time and courtesy extended during the telephonic interview of May 26, 2004. A summary of the content of that interview is provided in this response. Applicants respectfully request that the Examiner enter the following amendments and consider the following remarks.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Summary of Interview begins on page 5 of this paper

Remarks/Arguments begin on page 6 of this paper.